

LATEST NEWS OF THE WORLD BY TELEGRAPH AND CABLE. {CONTINUED ON
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REVIEW OF THE CARTER CASE

The Attorney General on the More
Serious Questions Involved.

THE SEIZURE OF PAPERS

The Chief Law Officer of the United
States Disposes of the Objections
Raised in the Condemned Officer's
Behalf and Justifies the Findings
of the Court-Martial--A Delin-
quent Father-in-Law.

(By Telegraph to Virginian-Pilot.)

Washington, D. C., Oct. 5.--The opinion of Attorney General Griggs in the case of Captain Oberlin M. Carter, of the army, upon which the President approved the findings of the court-martial, was made public to-day. After dismissing certain of the minor charges as unproven, the Attorney General takes up the more serious questions involved, first considering the objection that the charges upon which Captain Carter was found guilty were inadmissible. He says that unlike the ordinary criminal procedure the military usage and procedure permit of an indefinite number of offences being charged and adjudicated together in one and the same proceeding.

"It is not necessary," he says, "to discuss whether this practice is wise, or whether it is prejudicial to the rights of the accused. It appears to be established by long continued practice, and, so far as I am able on investigation to discover, without previous challenge."

OBJECTION TOO LATE.

But even if this objection were well founded, the Attorney General says he does not think the accused should be allowed to avail himself of the objection now, because he proceeded to trial without objection to this alleged mis-
funder, and permitted the court to enter on an investigation of all of the different specifications and himself brought forward his defense as to each of them. The objection should have been promptly taken to be made available. The objection concerning the admission of evidence barred by the statute of limitations is disposed of by saying that this evidence was not offered "for the purpose of proving against the accused the particular offense as to which he had interposed this protective plea, nor of having him declared guilty thereof, but for the purpose of showing the relation between the accused and the other alleged conspirators, the intent and motive of the accused and the conduct with reference to matters of a nature similar to those, and in many respects connected with those, involved in the transaction under trial." For this purpose he thinks the evidence was admissible.

Other objections relating to the admission of evidence of conversations and acts of the alleged co-conspirators antedating the time of the particular conspiracy charged, he also thinks were admissible.

SEIZURE OF PAPERS.

Referring to the seizure of the private papers of Captain Carter, Mr. Griggs says the facts do not show that the seizure was unreasonable, and that Carter practically consented to the use made of the papers. The point is made in this connection that even in the absence of such consent it was not incompetent to offer the papers as evidence. The use of a letter written by the witness, Cooper, to Captain Gillette is condemned, but it is argued that the letter did not injure Carter. The Attorney-General also finds that the court did not err in refusing to admit certain evidence offered by Carter, including the letter of his father-in-law, Mr. R. F. Westcott.

THE MAIN CHARGES.

This brings inquiry to the investigation of the main charges upon which the conviction was based. Summing up many of the specifications, including Captain Carter's intimacy with Greene and the Gaynors, the method of advertising for the work and of letting the contracts, the character of the Atlantic Contracting Company, the large profits made on the contracts, etc., the Attorney-General says that they might justly be considered as falling to fix upon the accused criminal knowledge and purpose to defraud the Government if it were shown that he had no corrupt personal motive, that he had not profited by these loose methods and irregular and questionable proceedings.

INVESTIGATION OF CHARGES.

He then proceeds to the investigation of these motives. He shows that in 1891 the Captain's salary was only \$322 per month, and that from that time forward his personal expenditures increased very rapidly, being \$3,047 in 1891 and \$29,611 in 1896. The fact is also pointed out that in 1892 Captain Carter began to make notably large deposits with the Union Trust Company, of New York, and also to buy investment securities, these increasing until 1896, when his holdings had increased to a market value of \$463,000.

Mr. Griggs does not accept Captain Carter's explanation that he was dealing in the securities and with the funds of his father-in-law, Mr. Westcott, and was the recipient of large presents from him.

"On the face of it it is," he says, "an improbable story, and it was incumbent upon him for his own protection to sustain it by all attainable testimony."

Speaking further on this point, the Attorney-General says:

A DELINQUENT WITNESS.

"If Mr. Westcott, the alleged donor, had come upon the witness-stand and corroborated the story, it would probably have been sufficient, but he did not come. It is contended, on behalf of Captain Carter, that Westcott was, at the time of the trial, in Europe with a

sick daughter, and was in a nervous state himself, so that he naturally shrunk from the annoyance and trouble to which he would be subjected by coming home to testify in his son-in-law's behalf. The evidence as to the ill-health of his daughter, and his own condition of nervousness, is very sparse and cannot be deemed satisfactory. The letter which Mr. Westcott sent to Captain Carter, wherein he declined to appear before the Board of Inquiry in the Fall of 1897, does not put his refusal upon either of these grounds, but rather upon the ground that his testimony was unimportant and could be supplied in other ways.

"If it be true, as contended, that Mr. Westcott had such an extravagant affection and regard for his son-in-law as to induce him to confide in him so great a trust, and to make him the donee of such large sums of money, then the natural suggestion would be that he would be interested intensely in the result of the trial in which the honor, as well as the liberty, of his son-in-law were involved. One would naturally think that a father-in-law so regardful of his son-in-law's interests would be quick to rush to his defense, and by his oath to add confirmation to the story, which, if true, would exculpate him from these serious charges.

LACK OF PROOF.

"It is said that Captain Carter made great efforts to secure the attendance of Mr. Westcott as a witness, but there is no proof of it. There is no evidence that he wrote him or requested him in anywise to appear as a witness before the court-martial. The inference is that his testimony would not have benefited Captain Carter if he had appeared.

"Such is the irresistible conclusion, and, therefore, finding that the one witness in all the world who could have created conviction in the minds of the court as to the truth of this extraordinary story, withholds himself, and that there is no satisfactory evidence that the defendant made any exertion to produce him, we must conclude that his testimony would not have been useful. It is also noteworthy that Westcott cancelled the power of attorney which Carter held almost immediately after the accusation against Carter became public in the fall of 1897."

The Attorney General then shows by an analysis of Captain Carter's testimony that in his dealings with his father-in-law he rendered strict account to that gentleman, and that Carter's funds in the Union Trust Company were in excess of those of Mr. Westcott during the entire time that he had control of the latter's affairs.

CARTER'S SINCERITY QUESTIONED.

"The testimony," he adds, "does not strike me as that of a man possessed of a clear idea of the truth and determined to tell it, but rather as a clever evasion of one who is endeavoring artificially to account for the possession of moneys derived from other sources."

Mr. Griggs also mentions other circumstances which he pronounces suspicious, including the fact that many of the checks paid to the contractors were collected in cash over the counter at the Sub-Treasury and the circumstance that Carter was present in New York on July 6, 1897, when the large checks were delivered to Gaynor on that date, and that he was on many other occasions from 1892 to 1897, present in New York when payments were made to the contractors. He presents a statement showing the deposits of currency made by Captain Carter simultaneously with the cashing of checks given to the contractors in New York.

AN EXTRAORDINARY STORY.

On another point the Attorney General says: "Carter's statement of the gold certificates contained in Mr. Westcott's safe deposit box, to the amount of over \$100,000, is such an extraordinary story, and so inconsistent with the methods of a business man such as Mr. Westcott is testified to be that it staggers credulity. If that money was there in the box to which Captain Carter had access, it is more probable that he put it there, using this means to withhold temporarily from his own bank account large sums which he had received from other sources. Such a device as that would be entirely consistent with the theory of fraud and concealment which is maintained by the prosecution.

"Captain Carter is admittedly a shrewd and clever man, and it is apparent from an examination of these accounts that he has resorted to various devices to cover up his tracks and conceal the true character of his transactions. Whether this was one of them or not, or whether the whole story is a fabrication, cannot be determined, but in view of all the evidence, considering the improbability of his story, the failure to produce corroborative proof, which was within his reach, the long continued possession of the large amounts of securities which he admittedly purchased, and the collection and appropriation by himself of the interest considerations, which tend to discredit the truth of his explanation, the conclusion is forced upon the mind that Captain Carter, during these years from 1892 to 1897, had enriched himself to a large degree in some manner not accounted for by his own testimony, and the irresistible conclusion, therefore, is that the true explanation of this rapid accession of wealth is one that he could not safely make, and that it is to be accounted for only by accepting the theory that he participated in the fraudulent proceeds of the contracts under his charge."

THE COURT JUSTIFIED.

The statement concludes as follows: "I am, therefore, led to the conclusion that the court-martial was justified in its finding of guilty upon the charges and specifications relating to these contracts of September, 1896, and that the finding and sentence of the court with respect thereto should be approved."

To Squash Dreyfus Verdict.

London, Oct. 5.--The Paris correspondence of the Daily Mail says: "I learn that Germany is about to hand over documents which will lead to the quashing of the Dreyfus verdict."

THE STEAMER LEONA BURNED

She Now Lies at the Bottom of
East River.

PASSENGERS AND CREW

New York Firemen Battle Manfully
to Save the Maltory Liner, but in
Vain--The Deck Plates Shaken by
Explosions--The Passengers Kept
Quiet by Deception--Disastrous
Fire in 1898 Recalled.

(By Telegraph to Virginian-Pilot.)

New York, Oct. 5.--The Maltory Line steamer Leona was burned and sunk at her wharf in East River to-night. The cargo, consisting of tobacco and 8,000 bales of cotton, and valued at \$250,000 to \$300,000, is a total loss, and the boat is little better than a wreck. It is believed that the Leona, which sailed from Galveston September 27, caught fire at sea several days ago, since which time she had proceeded at full speed, with battened hatches, for this port. At 3:30 this afternoon the

THE RACE AGAIN DECLARED OFF

The Sea Refuses the Shamrock and
Columbia a Field.

SAIL AT SNAIL'S PACE

A Drifting Match Almost From Start
to Finish Causes Disappointment
to Many Thousands of People--The
Monotony Somewhat Relieved by
a Dramatic Incident--The Signal,
"Race Off," Ends the Suspense.

(By Telegraph to Virginian-Pilot.)

New York, Oct. 5.--Again to-day the sea refused the Shamrock and Columbia a field of conflict; again to-day the multitude which went out to watch the contestants for the yachting championship of the world returned disappointed and not a little disgusted. The question of supremacy of the two great yachts is still as much an open question as before they first met, as the contest to-day was in some respects more of a fuke than that of Tuesday. It was a drifting match almost from

craft, from a steamer to a row boat, could venture out with impunity, and a vast colony of excursion boats, ocean going steamers, yachts, tugs, side-wheelers and sailing vessels gathered around the red hulk of the Sandy Hook lightship, seven miles from the entrance to the lower bay, to watch the start. A heavy haze hung over the sea and land and shut off the view of the thousands waiting on the highlands of Navesink and the Long Island shore. The torpedo boats, guarding the course, threaded their way in and out through the acres of boats like needles, their wakes a thread of foam, warning the excursion skippers to keep their distance. But little difficulty was experienced to-day, as Captain Evans' interviews, threatening dire consequences to offending skippers, had had a wholesome effect.

DISAPPOINTMENT.

Already the crowd was disappointed. Each one had come down praying for a stiff breeze and had found instead that there was hardly wind enough to keep the flags fluttering. What there was from the northwest by north from over the land. Preparations were made aboard both yachts for the lightest airs before the start. The Columbia discarded her heavy steel topsail yard for a lighter and longer pine one, and the Irish boat sent aloft the largest club topsail ever seen on her, larger by yards than any used in her trials on this side.

PRETTY MANOEUVERING.

Mrs. Iselin, wife of the managing owner of the Yankee boat, and who never fails to be aboard during a race, was snugly ensconced in the companionway of the Columbia, attired in a jaunty white flannel yachting costume, with a red streamer around her hat. As soon as the committee boat had hoisted the signal letters "D. C. L." making the course fifteen miles south-east by south, dead before the wind and

EFFORTS TO PRESERVE PEACE

No Change in Strained Relations
Between England and Transvaal.

ATTITUDE OF RUSSIA

Five Thousand British Reserves to
Be Called Out To-Day and an Army
Corps to Be Mobilized--Mysterious
Visit of Russian Minister to San
Sebastian--British Position in
Natal Strengthened.

(By Telegraph to Virginian-Pilot.)

London, Oct. 6.--While there is no diminution in the flood of dispatches from South Africa recording with almost tireless iteration the military preparations and movements of both sides, with all kinds of accurate and inaccurate rumors and speculations, the real situation remains unchanged. It is evident that strong efforts are still being made to preserve peace, simultaneously with determined energy to be prepared for any emergency.

RESERVES TO BE CALLED.

It is expected that 5,000 reserves will be called out to-morrow and that an army corps will be mobilized on the 15th or the 20th of the month.

In the meantime it is interesting to note that neither side shows anxiety to precipitate a conflict, but is rather inclined to give opportunity for the play of peace influences.

The mysterious visit of Count Muraviev, the Russian Minister of Foreign Affairs, to San Sebastian, where he saw the Queen Regent and the King of Spain, and had long conferences with Senor Silveira, the Spanish Premier, occupies political minds. From Spain Count Muraviev will go to Paris.

RUSSIA'S ATTITUDE.

Russia's attitude in the Transvaal matter is common knowledge. Germany is officially neutral, but the Emperor's famous telegram to President Kruger is not forgotten, and this, added to France's bitterness since the Fashoda affair and Spain's resentment of England's attitude during the Hispano-American war, sets the people asking what the motives for Count Muraviev's tour are.

The jingo press pooh-poohs the idea of European interference, but in the same breath eagerly seizes upon any incident, such as the America's cup races, to insist on the growing Anglo-American friendship.

AN UNFOUNDED RUMOR.

The Daily Telegraph published a dispatch this morning announcing that the Boers had invaded Natal and seized Laings Nek, but this now seems to be without foundation. The government has received nothing to justify the report, although such a move on the part of the Boers would naturally cause little surprise.

BRITISH POSITION STRENGTHENED.

The British position in Natal was considerably strengthened by the arrival to-day of Indian transports with reinforcements of 2,500 infantry, cavalry and artillery, all of which will be promptly sent to the front by train, and with their arrival at Glen Cove and Ladysmith to-morrow or Saturday the British advanced camps and lines of communication will be practically safeguarded against the risk of a successful dash across the frontier by the Boers.

ENGLAND CHARTERING VESSELS

New York, Oct. 5.--The Tribune to-morrow will say:

Surprise and interest have been excited in shipping circles by the news that within the last three days some 35 vessels engaged in the trans-Atlantic trade have been chartered by the British Government for periods of three months and upward. Among the ships chartered are a number belonging to the big passenger and freight lines, though the complete list is not known at the offices of the line in this city, as the transactions were conducted abroad.

Texas Rangers' Battle Flag.

(By Telegraph to Virginian-Pilot.)
Dallas, Tex., Oct. 5.--The tattered battle flag of Terry's Texas Rangers, captured by Indiana soldiers during the civil war was to-day restored to the remnant of the gallant Confederate band, the ceremonies taking place in the Auditorium at the Fair Grounds. Governor Mount of Indiana, and staff, Governor Sawyer of Texas, and what an immense crowd of G. A. R. men, Confederates and Texas citizens were present.

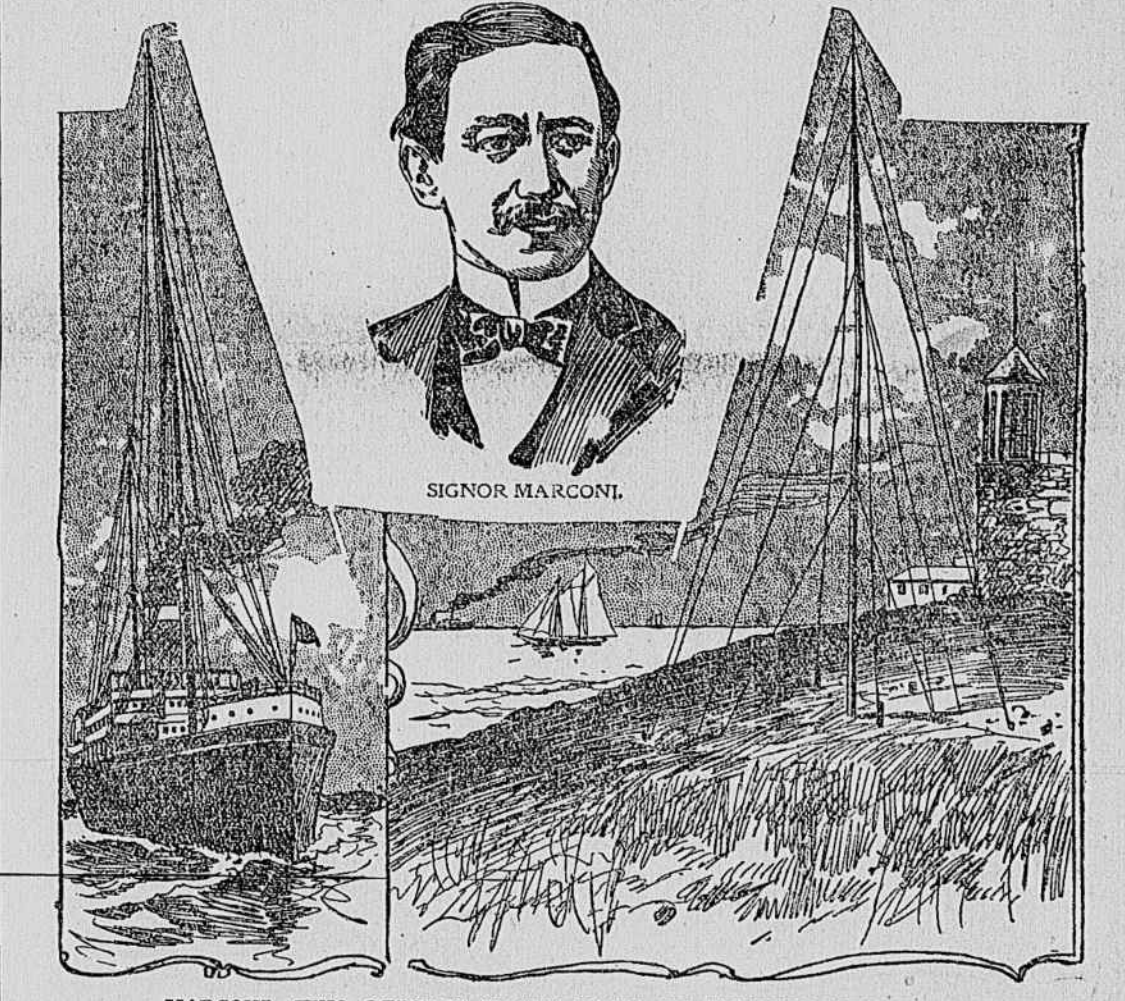
Postmaster Appointed.

(By Telegraph to Virginian-Pilot.)
Washington, Oct. 5.--The President to-day appointed George B. Patterson postmaster at Key West, Fla.

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CLASSIFICATION OF NEWS.

BY DEPARTMENTS.
Telegraph News--Pages 1, 6 and 11.
Local News--Pages 2, 3, and 5.
Editorial--Page 4.
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MARCONI, WHO REPORTS YACHT RACES BY WIRELESS TELEGRAPHY.

The Marconi system of wireless telegraphy is being used for the first time during the yacht races this week by Signor Marconi, who reports the movements of the contending yachts to the New York Herald. From a mast by means of a transmitter waves are sent to other masts, where receivers collect the waves and reduce them to the ordinary Morse alphabet, so well known to telegraphers. Electric waves pass from transmitter through the air to receiver without a wire to guide them. And this is not so remarkable when one considers that the earth is a return wire for every ordinary telegraph current.

Leona came racing up East River to her pier, where haste was made to debark the passengers and open the hatches. An hour later an army of men was vainly fighting a fire in the steamer's hold. Finally the ship was scuttled.

FRUITLESS EFFORTS TO SAVE.

As soon as the Leona made fast to her pier, about 4 o'clock, the officers of the vessel, commanded by Captain Wilder, ordered the members of the crew to try to put out the fire in the hold without calling the fire department. This was soon found to be impossible and an alarm was sent in. By 5:30 o'clock ten streams were playing from fire engines and six streams from fire boats. The firemen had a hard time to get at the flames, as the boat came into her dock sternmost, leaving the burning portion out in the water.

The fire at first was confined to the forward hatchway, directly forward of the foremast. The hatches being lifted, a tremendous volume of smoke came out, making it impossible for the firemen to see. Soon tons of water were pouring into the doomed vessel, and the ship began to list to starboard, settling a little as she did so. At 6 o'clock about seventy firemen, with the chief and deputy chief, were on the boat, working to keep the fire from spreading toward the stern. It was found to be beyond the efforts of the firemen and an order was given to open the fore and aft portholes in order to allow the water to enter and make her settle. The water already pouring into the boat, was managing to run along the bilge keels until it had reached aft and the ship showed evidence of listing to starboard. Most of the firemen finally left the ship by sliding down a hose which was fastened to the wheel.

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start to finish. The yachts crossed the line with a breeze of five knots, and the wind never blew more than six knots, most of the time less than three, and part of the time not a breath of air was stirring. After sailing four hours and forty-three minutes the yachts having covered only 12 miles of the course to the outer mark, the Regatta Committee declared the race off, as it was manifestly impossible with the breeze then blowing for the boats to round the stake before the time limit expired, much less to get back home again. During the time in which the yachts were at it the wind, which carried them dead before it over the line, had hauled around until at the finish they were beating into its teeth.

THE SHAMROCK OUT-FOOTED.

While the wind held astern the Columbia steadily out-footed her rival until she was fully half a mile ahead, but in the shifting, baffling winds that followed during the last three hours, with the great single-stickers lacking and beating and gybing to catch every streak of wind, with fortune helping one about as much as the other, the Shamrock gradually worked her way up until, when the race was declared off, the two boats were about on even terms, the Shamrock perhaps half a length ahead, but so close was the Columbia that Captain Barr could have thrown a biscuit to the foreigner. The lesson learned by the nautical shags from to-day's trial of the abilities of the two boats is that in light weather conditions the Columbia is the superior in running and reaching, and the Shamrock slightly better in beating. There has yet been no indication of what either boat can do in a piping whole air breeze.

CROWDED SEAS.

So gentle were the crestless, pulsating seas that any sort of harbor or river

return, a puffing tug steamed straight out to sea to plant the outer mark, which neither of the racers was destined to round to-day. There was some pretty maneuvering behind the line before the start, each breaking out her balloon jib and lowering her spinnaker boom as they jockeyed for position. Both got across in the smoke of the last gun, the white beauty a length ahead and in the windward berth.

THE START.

The official time of the start was: Columbia, 11:00:53; Shamrock, 11:01:03. The wind was blowing hardly five knots. As she crossed the green boat broke out her spinnaker, which was in this sail from the boom, and the Shamrock in her trials clung to the English way, but since her arrival she has learned many Yankee tricks and breaking out the spinnaker is one of them. The cup defender was a little slow in getting her big belling sail out and this somewhat dampened the ardor of the patriotic throng of Americans, who love nothing so much as forehandedness and snap, but sixty seconds later both boats were on even terms, fleeing before the gentle breeze wing and wing, spinnaker balancing mainsail and bulging balloon jib drawing forward. The bells in the engine rooms of the excursion fleet clanged, and the careening hulls started forward in pursuit. But they slowed down almost immediately and then stopped.

MOVING AT SNAIL'S PACE.

The light breeze was carrying the big yachts down the wind at a snail's pace. They drifted along like two lazy clouds of smoke upon the surface of the water. For almost an hour the spectators on the excursion boats watched them drift like Coleridge's "Painted Ship Upon a

(Continued to Sixth Page.)